

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG**

**DANIEL ERIC SALLEY,**

Plaintiff,

**v.**

**CIVIL ACTION NO.: 3:15-CV-143  
(GROH)**

**UNITED STATES OF AMERICA,**

Defendant.

**ORDER DENYING MOTION FOR RECONSIDERATION**

Currently pending before the Court is the Petitioner's Motion for Reconsideration [ECF No. 44], filed on April 30, 2018. The Defendant has not filed any response.

The Petitioner filed his motion pursuant to Rule 59(e) of the Federal Rules of Civil Procedure. Rule 59(e) provides that a "motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment." The Petitioner has timely filed the motion to reconsider.

The Fourth Circuit has held that a "Rule 59(e) motion may only be granted in three situations: '(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice.' Zinkand v. Brown, 478 F.3d 634, 637 (4th Cir. 2007) (citations omitted). It is an extraordinary remedy that should be applied sparingly. EEOC v. Lockheed Martin Corp., 116 F.3d 110, 112 (4th Cir. 1997)." Mayfield v. Nat'l Ass'n for Stock Car Auto Racing, Inc., 674 F.3d 369, 378 (4th Cir. 2012).

The Court has reviewed, and liberally construed, the Plaintiff's motion and found no intervening change in controlling law; new evidence; or clear error of law or manifest injustice.

Accordingly, the Plaintiff's Motion for Reconsideration is **DENIED**. ECF No. 44.

The Clerk of Court is **DIRECTED** to transmit copies of this Order to all counsel of record herein.

**DATED:** May 15, 2018



GINA M. GROH  
CHIEF UNITED STATES DISTRICT JUDGE